COURT'S STANDING ORDER FOR SETTLEMENT CONFERENCES

1. Presettlement Conference Demand and Offer.

The Court finds settlement conferences are more productive when written demands and offers are exchanged. Therefore, plaintiff's counsel shall submit a written itemization of damages and settlement demand to defendant's counsel with a brief explanation of why such a settlement is appropriate. The itemization of damages and demand shall be proffered to opposing counsel no later than ten days prior to the settlement conference.

No later than five days prior to the settlement conference, defendant's counsel shall submit a written offer to plaintiff's counsel with a brief explanation why such a settlement is appropriate. If settlement is reached prior to the settlement conference parties shall inform the Court promptly. If no settlement is reached, plaintiff's counsel shall deliver or fax (216- 357-7156) copies of these letters to Court chambers no later than two business days before the conference. Parties shall not file copies with the Clerk's office.

2. Attendance of Parties Required.

Parties with ultimate settlement authority must be personally present. An insured party shall appear by a representative of the insurer who is authorized to negotiate and who has **authority to settle the matter up to the limits of the opposing party's existing settlement demand.** An uninsured corporate party shall appear by a representative authorized to negotiate and who has **authority to settle the matter up to the amount of the opposing party's existing settlement demand or offer.** Having a client with authority available by telephone is **NOT** an acceptable alternative.

3. Conference Format.

The settlement conference will commence with brief opening presentations by each side followed by a joint discussion and then private caucusing by the Court with each side. The Court expects both the lawyers and the party representatives to be fully prepared to participate. This means that counsel shall have had thorough and candid discussions with their clients regarding the costs of further litigation and the risks involved in going forward prior to the settlement conference.

4. Statements Inadmissible.

Statements made by any party during the settlement conference will not be admissible at trial. Parties are encouraged to be frank and open in their discussions.

5. Involvement of Clients

Counsel shall provide their clients with a copy of this Standing Order and shall discuss the points contained herein with the client prior to the settlement conference.

IT IS SO ORDERED.

S:/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge